IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 23615 of 2007(J)

PETITIONER:

P.M.JOSE,
THERATTIL PAINKEN, HOUSE NO.230, NEHRU NAGAR,
ARANATTUKARA, P.O.KURIACHIRA, THRISSUR-6.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY, INDUSTRIES (A)
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR.

3. THE GEOLOGIST,
MINING & GEOLOGY DEPARTMENT, THRISSUR.

4. THE TAHSILDAR,
KODUNGALLUR TALUK, THRISSUR DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 23615 OF 2007 - J

Dated this the 2nd day of August, 2007

J U D G M E N T

The petitioner is aggrieved by the orders passed under the Kerala Minor Mineral Concession Rules, whereby royalty has been demanded from the petitioner. The present grievance of the petitioner is that when the appeal filed by the petitioner was posted before the first respondent for hearing, the petitioner's Advocate could not appear as he was appointed as Government Pleader and therefore the petitioner sought adjournment of hearing of the appeal which was rejected and Ext.P5 order has been passed. The petitioner's review petition--Ext.P6 also has been rejected by Ext.P7. The petitioner submits that this amounts to violation of principles of natural justice.

2. I have heard the learned Government Pleader also.

3. Taking into account the facts and circumstances of the case, I feel that the first

respondent should give another opportunity to the petitioner to present his case in appeal. For this purpose, I quash Exts.P5 and P7 and direct the first respondent to reconsider the appeal filed by the petitioner in accordance with law. Till disposal of the appeal, further proceedings for recovery of the royalty amount shall be kept in abeyance.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007